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6 **Attorneys for Defendants**  
CHINA BOWL, INC. erroneously sued  
7 herein as "CHINA BOWL (Owner QUAN  
HE HAN)" and QUAN HE HAN  
8  
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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 SHU SEN LU,

14 Plaintiff,

15 v.

16 CHINA BOWL (Owner, QUAN HE  
17 HAN),

18 Defendants.

Case No. C 07 4951 EDL

**DEFENDANTS CHINA BOWL, INC. AND  
QUAN HE HAN'S NOTICE OF MOTION  
AND MOTION TO DISMISS**  
(Fed. R. Civ. P. 12(b)(2)(3) and (6).)

Date: January 30, 2008

Time: 2:00 p.m.

Ctrm: E

The Honorable Elizabeth D. Laporte

Complaint Filed: September 25, 2007

20 **NOTICE IS HEREBY GIVEN** that on January 30, 2008, at 2:00 p.m., or as soon  
21 thereafter as the matter can be heard in Courtroom E, 15<sup>th</sup> floor, of the above-entitled  
22 court located at 450 Golden Gate Avenue, San Francisco, California, 94102,  
23 Defendants CHINA BOWL, INC. and QUAN HE HAN will and hereby do move the  
24 Court for an order granting their Motion to Dismiss.

25 The motion is brought pursuant to Federal Rule of Civil Procedure 12(b)(2) on  
26 the grounds that the court lacks personal jurisdiction, Rule 12(b)(3) on the grounds that  
27 venue is improper under Title VII, and Rule 12(b)(6) on the grounds that the Age  
28

1 Discrimination in Employment Act of 1967 ("ADEA") does not apply to an employer with  
2 less than 20 employees.on the grounds that

3 The motion is based on this Notice of Motion and Motion to Dismiss, and the  
4 accompanying Memorandum Of Points And Authorities, the Declarations of Quan He  
5 Han and Robert S. Aaron, and the Request For Judicial Notice all filed in support of the  
6 Motion to Dismiss, the Court's entire file and on any other evidence or argument  
7 properly presented to the Court prior to or at the time of hearing.

8 Dated: December 6, 2007

Respectfully submitted,

9 AARON & WILSON, LLP

10  
11 By 

12 ROBERT S. AARON  
13 Attorneys for Defendants  
14 CHINA BOWL, INC. erroneously sued  
15 herein as "CHINA BOWL (Owner  
16 QUAN HE HAN)" and QUAN HE HAN  
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**AFFIDAVIT OF SERVICE**

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I, Ryan J. Sullivan, declare:

I am a citizen of the United States, over 18 years of age and not a party to the within action. I am self-employed in the City and County of San Francisco; my business address is 150 Post Street, Suite 400, San Francisco, California, 94108.

On December 6, 2007, I served the attached and/or enclosed:

**DEFENDANT CHINA BOWL, INC. AND QUAN HE HAN'S NOTICE OF MOTION AND MOTION TO DISMISS**

on all parties in this action, at the following address(es):

Shusen Lu  
180 Peabody Street  
San Francisco, CA 94134  
Plaintiff In Pro Per

Service was accomplished by causing either an original or a true copy of the above-referenced document(s) to be distributed as follows:

☒ BY MAIL: I caused such document(s) to be placed in a sealed envelope, addressed as indicated above, with prepaid first-class postage thereon, and then placed the envelope(s) for collection and mailing, in accordance with the firm's ordinary business practice. I am readily familiar with the firm's ordinary business practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice correspondence for mailing is deposited with United States Postal Service on the date indicated for service, with prepaid first-class postage thereon.

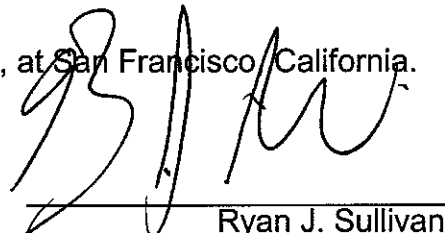
☐ BY HAND DELIVERY: I caused such documents to be hand delivered to the addresses indicated above.

☐ VIA FACSIMILE: I caused such documents to be transmitted via facsimile to the parties indicated above, at their respective facsimile numbers.

☐ VIA EXPRESS CARRIER: I caused such documents to be collected by an agent for the United States Postal Service, United Parcel Service, Federal Express or other overnight carrier, to be delivered by way of overnight mail to the addresses indicated above.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on December 6, 2007, at San Francisco, California.

  
\_\_\_\_\_  
Ryan J. Sullivan